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THE South-Carolina Gazette.

Containing the freſheſt Advices Foreign and Domeſtick

From Saturday, MAY 12, to Saturday, MAY 19, 1733.

DORCHESTER, *April* 15, 1733.

HAVING an Account that a *Paper* called a Repreſentation from the Lower Houſe of Aſſembly, to his Excellency and Council, highly reflecting on the Integrity, Juſtice, and Honour of the Chief Juſtice; was on the 13th Inſtant affixt, at the Door of the Council-Chamber in *Charleſtown*, The Chief Juſtice, thinks it incumbent on him, to make ſome Reply by way of *Juſtification.*

And firſt he muſt own, that he is not at all ſurprized, that thoſe who have ſo openly contemned his Majeſty's Authority, & the Laws of the Land, ſhould attack his Chief Juſtice, for ſupporting his undoubted Prerogative, and putting the Laws in Execution.

Secondly, The Chief Juſtice conceives, that the Meſſage of the Lower Houſe, to his Excellency and Council is an Inſult, and Invaſion of the Privileges of the Upper Houſe, who claim, and undoubtedly have, Freedom of *Speech*, and Liberty, to debate, and adviſe, in as full and ample a Manner, as the Lower Houſe can have, and their *Speeches, Debates, and Counſells, ought not to be queſtioned by any Perſons whatever out of that Houſe.*

And this he takes, to be another flagrant Inſtance, of their aſſuming to themſelves, an unwarrantable, and unlimited Power, tending to ſubvert the Act of *Settlement*, and all our Laws, and to ſap the very Foundation of our preſent Happy Conſtitution.

They repreſent that the Chief Juſtice invaded, and violated the known Privileges of their Houſe, by granting two Writs, againſt the Meſſenger of their Houſe, and by ſigning a Rule of Court, to his Officer, to make a Return of a Writ, and this contrary to Law, and the known Rules of the Court of *Common Pleas.*

In anſwer to this Charge the Chief Juſtice affirms that they well knew that it was otherwiſe, for that thoſe Writs, tho' ſigned by the Ch. Juſtice, are delivered out by the Clerk of the *Pleas* to the ſeveral Attornies of the Court, whoſe Buſineſs it is to make the proper Uſe of them, & are ſworn ſo to do; ſo that the Chief Juſtice knows not againſt whom the Writs are iſſued, and therefore could not be guilty of the Invaſion and Violation he is charged with; and as for his ſigning a Rule of Court to order the Provoſt Marſhal to give an Account of the Proceſs to him directed, its a power incident to his Office, and without which the Court could not ſubſiſt, and ſuch Rule could no ways interfere with, violate or invade the Privileges of the Lower Houſe, and this is the known practices of the Court of *Common Pleas*, and is warranted by a Law of this Province, which the Repreſentators (ſome of them being conſiderable Practiſers in the ſaid Court) muſt know, yet wilfully and unjuſtly charge the Chief Juſtice with acting contrary to Law, and the Rules of the Court of *Common Pleas*, and thereby with a Violation and Invaſion of the Privileges of the Lower Houſe; for which, had not the Chief Juſtice been of the Council (without any Regard to his Majeſty's Commiſſion, and the intire Stop that muſt conſequently be put to all judicial Proceedings by his Confinement) he muſt, as in their Repreſentation is ſignified, have been illegally impriſoned during their Pleaſure, or till the Chief Juſtice had given up his Majeſty's Authority, which he may ſuppoſe was their View, tho' it had not the deſired Effect.

As from this its manifeſt, that the Chief Juſtice has no ways violated or invaded the Privileges of that Houſe, ſo it is that he has not acted ſeditiouſly, or done any Thing to create Miſunderſtanding between the two Houſes, unleſs the ſupporting and maintaining his Majeſty's Prerogative and Authority,

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by a due Execution of the Laws of the Land, can be conſtrued as ſuch; and if that be ſo, he will readily own the Charge, but not otherwiſe.

As Matters now ſtand, whatever be the Conſequence of the arbitrary and illegal proceedings of the Repreſentors, it muſt lie at their Doors, as alſo the heavy Charge of raiſing Seditions and Tumults be imputed to their evil Deſigns in taking upon them to ſuperſede the Laws of the Land, and ſacrificing the Liberties of the People to their Will and Pleaſure, and not to the Chief Juſtice, for doing his Duty.

To conclude, if the Chief Juſtice may be allowed to give his Opinion, after the ſame candid Manner the worthy Repreſentators have given theirs of him, he may ſuppoſe the falſe Rumours (which gave birth to the pretended arduous Affairs) of the *Indians* having cut off ſeveral Families, which are now alive and well, were calculated to amuſe the Governor and Council, and terrify the People, in order to facilitate and bring to paſs their wicked Deſigns of ſubverting the Conſtitution, by aboliſhing *Magna Charta*, the *Habeas Corpus*, Act and the *Bill of Rights*, & eſtabliſhing their own *Reſolutions* and *Ordinances*, in the Room of thoſe noble Laws on which the Liberties of the People, the Birth-Right of a *Britiſh* Subject, entirely depends.

But the Chief Juſtice hopes there is no more Truth in his Suppoſition, than there is in theirs of the Chief Juſtice's raiſing Sedition and Tumults, and Acting contrary to Law.

ROB. WRIGHT, *Ch. Juſtice.*

COUNCIL-CHAMBER, *April* 27, 1733.

May it pleaſe your Excellency, and you Gentlemen of his Majeſty's Council.

THE Bill now before us for the Prevention of Suit, and Diſturbance, to his Majeſty's Judges, and Magiſtrates in this Province, on Account of the *Habeas Corpus* Law, is ſo new, and unuſual, that it obliges me to conſider it, in a double Capacity. *Firſt*, as it hath Reference to his Majeſty's Prerogative; next in Reſpect to the Liberty and Property of the Subject. *And Firſt*, I conceive it to be his Majeſty's undoubted Prerogative, to enquire after the Lives and Liberties of all his Subjects; and the Laws of the Land have preſcribed the Method, *viz.* if after their Lives, by his Coroners, of whom the Chief Juſtice is the firſt; if after their Liberties, by his Chancellor, Chief Juſtices, and Judges of either Bench; and by a Law of this Province, by his Governor, Chief Juſtice, or two Juſtices, by iſſuing his Majeſty's Writs of *Habeas Corpus*, to any Officer, or Perſon whatſoever, in whoſe Cuſtody the Priſoner ſhall be detained, commanding him to bring him, with the Cauſe of his Commitment before them, to examine, for what Cauſe he is confined, that he may be either diſcharged, bailed, or remanded; and I cannot ſee any Reaſon at this Time to explain, ſuſpend, change, or alter the *Habeas Corpus* Act, calculated as well for the Support of his Majeſty's Prerogative, as of the Rights and Liberties of a *Britiſh* Subject, being the ſtrongeſt Barrier, that the Wiſdom of our Anceſtors could deviſe, to preſerve the Liberties of the Subject, and ſecure the People from arbitrary Violence and Oppreſſion; all which by the late *Reſolves* of the Lower Houſe of Aſſembly are denied, and the Laws made of no Effect, and the contrary is ordained, with an ndemnity, to their Officer for ſo doing.

I am truly concerned, that theſe *Reſolves* and *Ordinances*, ſhould give me occaſion to differ in Opinion with this Board, but as it ſeems to me, that there is an Intent to ſupport the *Reſolves* and *Ordinances* of the Lower Houſe, ſo far, as to paſs an Act to skreen thoſe who have incurr'd Penalties, by diſobeying the Laws of the Land, & a Law of this Province, by taking upon them to make thoſe Laws of no Effect, by denying his Majeſty's Prerogative and Authority, by which we act; and by commanding his Chief Juſtice to ſuperſede the Writs of *Habeas Corpus*, by him legally granting, all which I conceive to be of dangerous Conſequence, & tending to the Subverſion of the antient and fundamental Conſtitution. And theſe *Reſolves* and *Ordinances*, be they of one, or both Houſes, are in my Opinion, unwarrantable and illegal, and come within the Statute of 13 *Car.* 2. wherein it is declared, *That all Perſons, who ſhall declare, or affirm, that either, or both Houſes, of Parliament have a legiſlative Power (without the King) ſhall incur the Danger, and Penalty, of a Premunire* (which I hope none of us ſhall do). Yet this Bill now before us, ſeems calculated to ſtrengthen theſe *Reſolves* and *Ordinances*, and ſave the Forfeitures already incurr'd, by ſome who confiding in thoſe *Reſolves*, have obſerved them as Laws, at the Hazard of being guilty of an Offence of a high Nature, which I ſhall endeavour to avoid by Diſſenting to this Bill. *Firſt*, becauſe

cauſe it is repugnant, and contrary to his Majeſty's Royal Inſtructions, and his Commiſſion to your Excellency, and alſo for the Reaſons aforementioned, which I conceive ſufficiently warrant me to enter my *Proteſt*, againſt the paſſing this Bill, and all others in Conjunction, with the preſent Lower Houſe of Aſſembly, who have made and ordained ſuch *Reſolves* and *Ordinances*, ſo contrary to the known Laws, and deſtructive of the Conſtitution. And I humbly requeſt your Excellency, that this my *Proteſt* may be entered upon the Journals of this Houſe, it being in my Opinion of greater Moment, and Conſequence, than is at preſent apprehended.

ROB. WRIGHT, *Ch. Juſtice.*

Boſton, April 12. Monday laſt arrived at *Salem* his Majeſty's ſhip *Scarborough*, Capt. *Durrel*, from *Saltertuda*, by which we have the following Advice, *viz.* That on the 13th of *March* laſt, (the very Day appointed for the Fleet to ſail) about a Quarter after 6 in the Morning, they ſaw at a Diſtance 2 large ſhips; about 7 they ſaw them with *Engliſh* Colours; about 8 they hoiſted ſpaniſh Colours, and then divided, one ſtood directly in towards the ſhore, and the other kept his offing; they proved to be ſpaniſh Men of War, one of 60, the other of 70 Guns, with a vaſt Number of Men aboard; after 9, they began to fire upon the Fleet, which ſcattered them; and by 10, four Veſſels were taken, *viz.* the ſhip *Katherine*, *Andrew Woodbury* Maſter, belonging to Mr. *Samuel Brown* of *Salem*, (ſaid to be worth 7000 *l.*) the Brigt. *Hopewell*, *John Wells* Maſter, belonging to the Hon. *Thomas Hutchinſon*, Eſq; of *Boſton*; the Brigt. *two Siſters*, *Habakkuk Gardner* Maſter, belonging to Capt. *Benjamin Browne* of *Salem*, and the Brigt. *three Brothers*, *Thomas Gutteridge* Maſter, belonging to Capt. *Gutteridge* of *Boſton*; and they continuing to chaſe the Fleet, Capt. *Durrel* ſent his Lieutenant to know the Reaſon why they thus interrupted the King of *Great Britain*'s Subjects; but they refuſed the Boat, and fired upon the Man of War, which he returned, and kept them in play, ſo that the Remainder of the Fleet (which were 32 ſail) got ſafe off; and about half an Hour after ſix in the Evening, the *Spaniards* left them and ſtood away with their four Prizes. In this Action none of the Men on board the Engliſh Veſſels were killed, except there were on board thoſe that were taken, which they knew not of. But there being ſuch Numbers of Men appearing on board the *Spaniſh* Men of War, it is very probable that ſome of them loſt their Lives in the Enterprize.

CHARLESTOWN, *May* 19.

On Thurſday the Sixth Inſtant, at the Court of Common Pleas, came on a Trial between Mr. James Crokatt, *Plaintif, and Mr.* Alexander Nisbett, *Defendant, in an Action of Debt for* 946 *l.* 12 *s.* 9 *d.* 1 *q. due to the Plaintif, of which Sum Mr.* Nisbett *pleaded he owed only* 213 *l.* 00 *s.* 6 *d. when, after the Caſe had been argued for above* 5 *Hours, the Jury found for the Plaintif* 762 *l.* 11 *s.* 11 *d. with Coſts of Suit. The Sum deducted from Mr.* Crokatt's *Account, being* 184 *l.* 1 *s.* 10 *d.* 1 *q. is exactly two and a Half* per Cent. *on* 7361 *l.* 16 *s.* 10 *d. he having charged* 5 per Cent. *for paying and receiving that Sum; but it appeared to the Court two and a Half* per Cent. *was uſual, or thought ſufficient by two Merchants, who were deſired to give their Opinion on that Head, which it is preſumed occaſioned that Abatement on his Account.*

Whereas it has been reported about, that the *Printer of this Paper*, has refuſed to publiſh ſeveral things in Behalf of the *Chief Juſtice of this Province*, This is to aſſure all thoſe that have been thus informed, that the ſaid Report is falſe, and ſeems deſigned to hurt him in his Way of Buſineſs, and he has always publiſhed thoſe Things that came to his Hands, according to Time.

The Gentlemen who are deſirous to have the Full and Impartial View of Mr. *Bowman's* Viſitation Sermon, *are deſired to excuſe the Printer's Delay, ſeveral Things of Importance having happen'd to hinder its Publication; which he hopes to publiſh in ſix Weeks Time.*

A Letter ſigned Publicola *is received, and will be publiſhed the firſt Opportunity.*

The Reader is deſired to correct the following Errors in our laſt. page 1. column 2 line 27. for Commons England, read Commons of England. l. 30. f. there baſe, r. therefore baſe. p. 2. l. 9. for of the Hearing, r. at the Hearing. p. 3. l. 1. for *ſurrendered*, r *ſuſpended*.

PRICES of the following GOODS.

Rice 36 s. per Hund. Pitch 32 s. 6 d. per Bar. Tar 25 s. Turpentine 20 s. per Hund. Skins 17 s. 6 d. per Pound. Wine 85 l. per Pipe. Indian Corn 12 s. 6 d. per Buſhel. Peaſe 10 s. Staves 14 to 15 l. per Thouſand. Flour 55 to 60 s. per Hund. Brown Bread 31. to 31. 5 s. Middl. ditto 41. 10 s. to 51. White 61. Barbadoes Rum 10 s. per Hogſh. Limejuice 15 s. per Hogſh. Meluſſes 6 s. 3 d. per Hogſh. Salt 10 s. per Buſhel.

CUSTOM-HOUSE, Charleſtown, *Entred in*,

Ship Young Green, Robert Young, from Barbados.

Entred out.

Ship Prince William, John Pick, for London.
Brigt. Jenny, John Soley, for Briſtol.
Sloop Virgin's Venture, Gabriel Taylor, for Antigua.

Cleared for Departure.

Ship Rebecca, Mark Joyce, to London.
—— William Gally, Francis Baker, to Ditto.
—— Hannah, George Allen, to Ditto.